

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

5:10-CR-254-01-F

The Clerk of Court is DIRECTED to file and maintain Mr. Rogers' December 28, 2011 [DE-44] letter. Rogers specifically seeks to be reminded of the contents of his Plea Agreement insofar as it waives any appeal or collateral review rights. It may be Bureau of Prisons' policy not to permit inmates to possess a copy of their Plea Agreements for their own safety. However, the paragraphs of Rogers' Agreement in which he is interested state:

2. The Defendant agrees:

* * * * *

c. To waive knowingly and expressly all rights, conferred by 18 U.S.C. § 3742, to appeal whatever sentence is imposed, including any issues that relate to the establishment of the advisory Guideline range, reserving only the right to appeal from a sentence in excess of the applicable advisory Guideline range that is established at sentencing, and further to waive all rights to contest the conviction or sentence in any post-conviction proceeding, including one pursuant to 28 U.S.C. § 2255, excepting an appeal or motion based upon grounds of ineffective assistance of counsel or prosecutorial misconduct not known to the Defendant at the time of the Defendant's guilty plea. The foregoing appeal waiver does

not constitute or trigger a waiver by the United States of any of its rights to appeal provided by law.

d. To waive all rights, whether asserted directly or through a representative, to request or receive from the United States any records pertaining to the investigation or prosecution of this matter, except as provided in the Federal Rules of Criminal Procedure. This waiver includes, but is not limited to, rights conferred by the Freedom of Information Act and the Privacy Act of 1974.

Perry J. Rogers Memorandum of Plea Agreement of December 13, 2010 [DE-25], pp. 1-2.

SO ORDERED.

This, the 30th day of December, 2011.



JAMES C. FOX
Senior United States District Judge